IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 8700 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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SHAMLABHAI BHIKHABHAI - Applicant(s)
Versus
THE STATE OF GUJARAT - Respondent(s)

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Appearance :
MS HIRAL R PATEL for Applicant(s) : 1,
PUBLIC PROSECUTOR for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 07/09/2006

ORAL JUDGMENT

1. By way of this application, the applicant, who is presently on temporary bail granted by this Court vide order dated 29.08.2006, has sought extension of the same on the ground of sickness of his wife.

2. Learned advocate for the applicant has placed on record the documentary evidence being medical certificate dated 05.09.06 issued by Dr. Vijaykumar N. Gadhvi, Shri Maternity and Nursing Home, Surendranagar stating that the operation of the applicant's wife namely Kunvarben Shamlabhai Rabari is scheduled on 12.09.06 and for the

same she has to get admitted on 11.09.06. Learned advocate for the applicant has therefore prayed for extension of the temporary bail till 13.09.06.

3. As a result of hearing and perusal of records, I am of the opinion that interest of justice will be served by asking the applicant to surrender today and thereafter releasing him on 11.09.06 for the operation.

4. In view of the above, the Criminal Misc. Application is allowed accordingly. The applicant shall surrender today i.e on 07.09.06 before the Jail authority. The jail authority is directed to take the applicant into custody even if he surrenders late today. The applicant shall thereafter be released on temporary bail on 11.09.06 on the same terms and conditions as laid down by this Court's order dated 29.08.2006. The applicant shall surrender again before the jail authorities on 13.09.06. It is made clear that if the applicant does not surrender today, he shall not be released on temporary bail on 11.09.06. Direct Service is permitted today.

(K.S. JHAVERI, J.)

Divya//